

February 8, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation, RM-11510, PS Docket No. 11-82;
CG Docket No. 02-278**

Dear Ms. Dortch:

On February 7, 2012, Christopher Guttman-McCabe and Brian Josef of CTIA – The Wireless Association® (“CTIA”) met with Angela Giancarlo, Chief of Staff and Senior Legal Advisor to Commissioner Robert M. McDowell.

During the meeting, CTIA discussed the Commission’s proceeding seeking to ensure reliable access to emergency services through reporting regulations in the event of a full, or “hard outage,” occurring to interconnected VoIP service. CTIA addressed the reasonableness of reporting requirements for interconnected VoIP service, relative to broader rules proposed in the Commission’s Notice of Proposed Rulemaking. In this vein, CTIA noted the potential for such regulations to be less onerous and less costly. Accordingly, CTIA urged that any reporting requirements should be narrowly tailored and manageable.

In addition, CTIA raised its Petition for Rulemaking to transition Part 22 cellular licenses from site-based to geographic market-area licensing. CTIA expressed its strong support for the Commission moving forward with a Notice of Proposed Rulemaking in this proceeding. CTIA also raised concerns with a proposal that would apply an “overlay auction” mechanism, possibly implemented as part of the transition from site-based to geographic licenses, for use in areas that are not substantially served. CTIA expresses its hope that the Commission keeps an open mind in considering all potential approaches in addressing appropriate mechanisms for providing service to currently unserved areas.

Finally, CTIA urged the FCC’s upcoming “Robocalls” Report and Order to affirm the Commission’s prior conclusion that wireless providers need not obtain additional consent from subscribers prior to initiating autodialed calls at no cost to customers.

Consistent with prior advocacy,¹ CTIA noted that such calls could include billing alerts and usage notifications, pursuant to CTIA's recent announcement of wireless providers' voluntary commitment to help consumers avoid unexpected overage charges. CTIA also echoed its January 25, 2012 letter to the Chairman and Commissioners noting that wireless carriers have experienced a significant increase in consumer complaints and inquiries made to their customer call centers regarding unwanted text messages sent by political campaigns.² CTIA urged the Commission to re-affirm its prior conclusion that *any* autodialed text message sent to a wireless device violates the Telephone Consumer Protection Act ("TCPA").³

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ *Brian M. Josef*

Brian M. Josef
Assistant Vice President – Regulatory Affairs
CTIA-The Wireless Association®

cc: Angela Giancarlo

¹ See Reply Comments of CTIA – The Wireless Association®, CG Docket No. 02-278 (June 21, 2010), *available at* http://files.ctia.org/pdf/filings/100621_-_FILED_CTIA_TCPA_NPRM_Reply_Comments.pdf.

² See Letter from Steve Largent, President & CEO, CTIA – The Wireless Association®, to FCC Chairman Genachowski and Commissioners Clyburn and McDowell, CG Docket No. 02-278 (Jan. 25, 2012), *available at* http://files.ctia.org/pdf/TCPA_Letter_to_FCC.pdf.

³ 47 U.S.C. 227. Although political messages are exempted from the prohibitions applicable to "telephone solicitations," Section 227(b)(1)(A)(iii) of the TCPA makes it unlawful for *any* person to make *any* call from an automatic telephone dialing system to *any* telephone number assigned to a CMRS customer. Moreover, the Commission explicitly has stated that the TCPA applies with equal measure to "both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls." See In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, 18 F.C.C.R. 14014, 14115 (July 3, 2003).